

38. (Amended) An apparel to be worn by an individual comprising:

[Handwritten signature]

a cellular elastomeric composite which includes a hydrophilic open cell foam combined with a non-woven material;

wherein the foam is treated to have reversible enhanced thermal properties; and

wherein the outer moisture transfer material is an encapsulated cotton blend.

Claims 36 and 38 have been amended. No claims have been added or canceled. Accordingly, claims 1-4, 7-10, 13, 20-32, 34, 36-38, 40-42 and 44-88 are currently pending in the application.

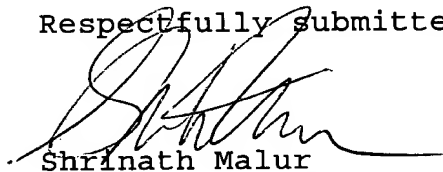
Claims 36 and 38 have been amended to clarify the recitation of the cellular elastomeric composite. The open cell foam and the non-woven material of the top sheet are combined to form the cellular elastomeric composite (see Specification, page 6, line 22 to page 7, line 2, as amended).

Therefore, the phrase "hydrophilic open cell foam backed by a non-woven top sheet" has been amended to recite "hydrophilic open cell foam combined with a non-woven material".

Furthermore the specification has been amended at page 11, line 25 to correct a typographical error so as to state that layer 20 can be a cellular elastomeric composite or a hydrophilic 1/8" foam having a non-woven top sheet. This is consistent with the description in the specification on page 13, lines 16-18, which distinguishes the cellular elastomeric composite from a foam backed by a non-woven top sheet.

Reconsideration is hereby requested.

Respectfully submitted,



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**MARKED UP VERSION OF REPLACED
PARAGRAPHS OF THE SPECIFICATION**

Pages 6 and 7, the paragraph bridging these pages from page 6, line 22 to page 7, line 2, the marked up paragraph is as follows:

The combination of the foam and top sheet forming second layer 20 can be produced in at least two different ways. According to one way, second layer 20 is produced by laminating a top sheet to the foam. According to another way, the second layer 20 is a cellular elastomeric composite in which the non-woven material of the top sheet and the foam have already been combined. In some applications, layer 20 can be omitted.

Pages 11 and 12, the paragraph bridging these pages from page 11, line 22 to page 12, line 3, the marked up paragraph is as follows:

Numeral 100 is preferably formed by a layer 40 formed from a cotton blend fabric that is encapsulated and may include denim and chino fabrics. Inside of layer 40 is a layer 20 which is a cellular elastomeric composite [of] or a hydrophilic 1/8" foam having a non-woven top sheet. Inside of layer 20 is a layer 10 of any of the inner liner materials

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listed above in connection with layer 10. According to this application, layer 30 is omitted.

MARKED UP VERSION OF REWRITTEN CLAIMS

36. (Amended) An apparel to be worn by an individual comprising:

an outer moisture transfer material which is treated by encapsulation for waterproofing; and

a cellular elastomeric composite which includes a hydrophilic open cell foam [backed by] combined with a non-woven [top sheet] material.

38. (Amended) An apparel to be worn by an individual comprising:

an outer moisture transfer material;

a cellular elastomeric composite which includes a hydrophilic open cell foam [backed by] combined with a non-woven [top sheet] material;

wherein the foam is treated to have reversible enhanced thermal properties; and

wherein the outer moisture transfer material is an encapsulated cotton blend.